



Crl.O.P.No.17321 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17321 of 2023

Annamalai

.. Petitioner

Vs.

1. The State,
Rep by its Inspector of Police,
Fairlands Police Station,
Salem City, Salem
(Crime No.248 of 2021)

2. The Manager,
Kotak Mahindra Bank Limited,

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order and modify the condition in C.M.P.No.3183 of 2021 order dated 02.02.2022 on the file of the Principal Sessions Judge, Salem.



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For Petitioner : Mr.A.M.Esakkiappan

For Respondent No.1 : A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed seeking to modify the condition imposed by the Court below while allowing the application seeking for return of vehicle in CMP No.3183 of 2021 dated 02.02.2022.

2. Heard Mr.A.M.Esakkiappan, learned counsel for the petitioner and A.Damodaran, learned Additional Public Prosecutor appearing for 1st respondent.

3. In the considered view of this Court, the Court below had ordered the application by an order dated 02.02.2022. If the petitioner wants the condition to be modified / relaxed, the petitioner must move the same Court and seek for such a relief. The said order cannot be made a subject matter of challenge in a petition filed under Section 482 of Cr.PC. This Court will not exercise its jurisdiction under Section 482 of Cr.PC when the Court below itself has sufficient power to modify / relax the conditions



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imposed in the earlier order passed in CMP No.3183 of 2021 dated 02.02.2022. Except giving this liberty, no further orders can be passed in this petition.

4. This Criminal Original petition is disposed of accordingly.

02.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

1. The Principal Sessions Judge, Salem.
2. The Inspector of Police,
Fairlands Police Station,
Salem City, Salem.
3. The Public Prosecutor
High Court of Madras,
Madras.

N.ANAND VENKATESH, J



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